

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

THE TRUSTEES OF
PURDUE UNIVERSITY,

Plaintiff,

v.

STMICROELECTRONICS
INTERNATIONAL N.V., and
STMICROELECTRONICS, INC.,

Defendants.

Civil Action No. 6:21-cv-00727-ADA

JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' REPLY IN SUPPORT OF
MOTIONS IN *LIMINE***

Plaintiff moves to strike Defendants' Reply in Support of Defendants' Motion in *Limine* (Dkt. 437).

Replies in support of motions in *limine* are not contemplated by the scheduling order in this case (Dkt. 241), which provided specific deadlines for motions in *limine* (September 5, 2023), oppositions to motions in *limine* (September 12, 2023), meeting and conferring regarding the motions in *limine* (September 19, 2023), and filing a notice regarding remaining disputes on motions in *limine* (September 29, 2023). The scheduling order does not set a deadline for replies in support of the motions in *limine*. Under Defendants' reading of the scheduling order, the parties should have submitted replies on the same day as the deadline to meet and confer regarding any remaining disputes on the motions in *limine*, which would have made the meet and confer a conference in name only. (The parties held this conference, and Defendants did not mention the Reply they would be filing a few hours later.)

During the parties' meet and confer on this motion, Defendants stated that the Court's OGP permits replies on motions in *limine*. That is incorrect. While the OGP provides the page limits for any *limine* replies, OGP Ver. 4.3 at 9, the OGP does not state that *limine* replies are automatic. The Scheduling Order in this case is silent on the deadline for *limine* replies but affirmatively states deadlines for motions in *limine* and related responses. Neither the parties nor the Court contemplated replies on these motions.

Plaintiff requests that the Court strike the Reply as improperly filed, or in the alternative, grant Plaintiff until September 28, 2023 to file its Reply in support of its Motions in *Limine*.

Dated: September 21, 2023

Respectfully submitted,

/s/ John P. Lahad

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CERTIFICATE OF CONFERENCE

The parties have conferred regarding the substance of the Motion to Strike. ST opposes the relief sought.

/s/ John P. Lahad

John P. Lahad

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system on September 21, 2023.

/s/ John P. Lahad

John P. Lahad